

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT HUNTINGTON**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Civil Action No. 3:18-cv-01289

MATTHEW MALLORY,
CAMO HEMP WV LLC,
GARY KALE, GRASSY RUN
FARMS, LLC, their agents,
servants, assigns, attorneys, and all
others acting in concert with the
named defendants,

Defendants.

MOTION OF THE UNITED STATES FOR SUBSTITUTION OF PARTIES

Pursuant to Fed.R.Civ.P. 17(a) and 25(c) and other applicable law, the United States moves the Court to enter an order substituting Commonwealth Alternative Medicinal Options LLC as a defendant in this civil action for defendant CAMO HEMP WV LLC on the following grounds:

1. CAMO HEMP WV LLC was listed as the business name for the entity owned or controlled by defendant Matthew Mallory as proprietor on the Application For Research And Marketing Cultivation Of Industrial Hemp filed by defendant Matthew Mallory the industrial hemp pilot project program of the West Virginia Department of Agriculture dated October 20, 2017 (ECF No. 19-13).

2. CAMO HEMP WV LLC was also listed as the business name for the entity owned or controlled by defendant Matthew Mallory as proprietor on the amended Application For Research And Marketing Cultivation Of Industrial Hemp filed by defendant Matthew

Mallory the industrial hemp pilot project program of the West Virginia Department of Agriculture dated April 26, 2018 (ECF No. 19-4).

3. Defendant Matthew Mallory filed a second amended Application For Research And Marketing Cultivation Of Industrial Hemp for the industrial hemp pilot project program of the West Virginia Department of Agriculture which was attached to a letter dated September 21, 2018 (ECF No. 25-1). In that document, defendant Matthew Mallory indicated that CAMO HEMP WV LLC had been abandoned and that Commonwealth Alternative Medicinal Options LLC, a registered Pennsylvania limited liability company, was being substituted for CAMO HEMP WV LLC in the Application For Research And Marketing Cultivation Of Industrial Hemp for the industrial hemp pilot project program of the West Virginia Department of Agriculture. This action made Commonwealth Alternative Medicinal Options LLC a successor to CAMO HEMP WV LLC and a transferee to any interest that CAMO HEMP WV LLC may have had in the WVDA industrial hemp program license acquired by defendant Matthew Mallory.

4. By virtue of that substitution on the second amended Application For Research And Marketing Cultivation Of Industrial Hemp for the industrial hemp pilot project program of the West Virginia Department of Agriculture there has been a transfer of any interest which may have existed in CAMO HEMP WV LLC to Commonwealth Alternative Medicinal Options LLC and Commonwealth Alternative Medicinal Options LLC is now listed as the business of defendant Matthew Mallory for his license/permit under the industrial hemp pilot project program of the West Virginia Department of Agriculture. As a result, Commonwealth Alternative Medicinal Options LLC is now a real party in interest pursuant to Fed.R.Civ.P. 17(a).

5. Based on that transfer of interest, Commonwealth Alternative Medicinal Options LLC should be substituted as a defendant in this civil action in place of and for defendant CAMO HEMP WV LLC as a real party in interest in this civil action pursuant to Fed.R.Civ.P. 17(a) and 25(c) and other applicable federal law.

Therefore, the United States requests that the Court enter an order substituting Commonwealth Alternative Medicinal Options LLC as a defendant in this civil action in place of and for defendant CAMO HEMP WV LLC. The United States also requests such other and further relief as the Court deems appropriate.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Fred B. Westfall, Jr., Assistant United States Attorney for the Southern District of West Virginia, hereby certify that on October 16, 2018, I electronically filed the foregoing **MOTION OF THE UNITED STATES FOR SUBSTITUTION OF PARTIES** with the Clerk of the Court using the CM/ECF system which will send notification to the following CM/ECF participants:

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